

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M-11391 of 2017

Date of Decision: May 19, 2017

Harpreet Singh @ Tinku @ Rambo

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. A.S. Kaler, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in F.I.R. No.28 dated 24.02.2017 under section 21 of NDPS Act, registered at Police Station Civil Lines, Bathinda, District Bathinda.

On 03.04.2017, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks concession of anticipatory bail in case FIR No.28, dated 24.02.2017, under Section 21 of the NDPS Act, registered at Police Station Civil Lines, Bathinda, District Bathinda.

Counsel submits that as per prosecution version, the petitioner as also co-accused, namely, Talwinder Singh @ Kala were apprehended by a police party and at that point of time, the present petitioner had thrown away a polythene bag and succeeded in running away. From such bag, an alleged recovery of 12 grams of heroin was effected. From co-accused, Talwinder Singh @ Kala, who was arrested on the spot, there is stated to be a recovery

of 8 grams of heroin.

Counsel would argue that the petitioner was not arrested on the spot and no recovery has been effected from his person. Even otherwise, the recovery being attributed to the petitioner and from the bag that he had allegedly thrown away would be construed as non-commercial. It is also the categorical contention that the petitioner is not involved in any other proceedings under the NDPS Act.

Notice of motion, returnable for 19.05.2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C."

Learned State counsel upon instructions from ASI Vishnu Dass would apprise the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

That apart the observations contained in the notice of motion order, have gone unrebutted.

In view of the above, prayer made in the present petition is accepted.

The order dated 03.04.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.05.2017
anju rani

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No